

Received & Inspected

JUN 03 2011

FCC Mail Room

DOCKET FILE COPY ORIGINAL

May 19, 2011

Step Special Torah Education Program
3005 Avenue L
Brooklyn, NY 11210

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

CC Docket No. 02-6

CC Docket No. 96-45

Request for Review

Re: **Billed Entity Number: 209474**
Billed Entity Name: Step Special Torah Education Program
FCC Registration Number: 0012013694
Service Provider Name: Ready Voice & Data, Inc.
SPIN: 143024710
Funding Year: 2004
Form 471 Application Number: 393183
Funding Request Number: 1076698

This letter is to appeal our Administrator's Decision on Appeal - Funding Year 2004-2005 for Funding Request Number 1076698 dated April 28, 2011.

Approximately one year ago, we received a Notification of Commitment Adjustment Letter dated April 27, 2010 which requested the recovery of funds from the applicant for FRN 1076698 which was for two servers. The Funding Commitment Adjustment Report indicated that the funding commitment was being rescinded since "it was determined that the funds were erroneously committed for the funding request 1076698 **which was not justified as cost effective**. The FCC rules require that, in selecting the service provider, the applicant must select the most cost effective service or equipment offering, with price being the primary factor, which will result in it being the most cost effective means of meeting educational needs and technology plan goals. Additionally, the applicants technology plans for requested services should be based on an assessment of their reasonable needs. Applicants that request services that are beyond their reasonable needs and thus not cost effective have violated the above rules. **Since FRN 1076698 exceeded the applicants reasonable needs, this funding commitment is rescinded in full...**"

We appealed the decision of the Commitment Adjustment Letter to the Schools and Libraries Division on June 15, 2010. The appeal explained the educational needs of our school and justified the requested services as being a cost-effective means of meeting our reasonable needs.

After reviewing our appeal, the Schools and Libraries Division upheld their decision to rescind the funds for FRN 1076698 and sent us another Demand Payment Letter on May 2, 2011. The Administrator's Decision on Appeal dated April 28, 2011 indicated that the appeal was denied with the following explanation given: "Based on the submitted documentation, the cost per server, \$21,790, has been found not to be cost-effective. FCC rules states that, in selecting a service provider, the applicant must carefully consider all bids submitted and must select the most cost-effective service or equipment offering, with price being the primary factor, which will result in

No. of Copies rec'd 0
List A B C D E

being the most cost-effective means of meeting educational needs and the technology plan goals. USAC rescinded your funding request because it was determined that the costs of the products and services in your funding request were significantly higher than the costs generally available in your marketplace for the same or similar products or services. ***There is no evidence that the reason for the excessive costs is due to extenuating circumstances.***"

Additionally, on March 29, 2011, shortly before our appeal was denied, we received a fax from the Schools and Libraries Division requesting additional information to help clarify the justification of the cost effectiveness of the funding request. In a previous fax, we had been asked to justify the cost effectiveness of having two servers for a school of 40-50 students. In the fax dated March 29, 2011, we were being asked to elaborate and explain fully the use of two servers for security measures. Based on this fax, our assumption is that the question raised in the fax was a pertinent detail used in determining whether the funding request was justifiable and in all probability was the reason for which it was later denied. We would therefore like to elaborate on this point and justify the need for two servers at our facility as well as justify the need for the \$21,790 high-end servers we felt were necessary to satisfy the extenuating circumstances at our school.

Being that we are a school that serves special-needs students, the use of computers has become a focal point in educating our students, as our experience has proven that computers are an especially valuable tool for students with learning disabilities. Computers are used daily by our students, teachers, therapists and administration and play a crucial role in helping our students achieve and progress in their education and in their learning environment.

As explained in our previous appeal, our students have various levels of learning as well as emotional and/or physical disabilities and do not learn well in traditional classrooms settings. Stimulating visual and hands-on learning activities work best in educating our students and as well, lessons must be tailor-made to suit each child's individual learning style and to meet their individualized IEP goals. The educational computer programs for children that we utilize for our classroom curricula have given our students the chance to see learning as attainable and fun and have proven to be a practical means of providing individualized instruction to each student. Being that these computer programs also provide students with the satisfaction of immediate feedback and the feeling of being capable and in control, their self-esteem soars, which in turn, increases their expectations of success in all other areas of learning as well. The establishment of a Local Area Network, managed via a server, is necessary to sustain the level of computer use in the classrooms by enhancing the speed and access of each computer. Additionally, by establishing a verified registry of users, the server allows students to progress at their own level through a login system.

The second server is used to establish a separate domain for files related to student evaluations and learning effectiveness evaluations. The verified registered users of this domain are limited to senior administration, principals, related service providers and educational staff. It is imperative that classroom teachers and students do not have access to any databases, files or reports on this domain as they contain highly sensitive student data and often include data on teacher specific outcomes.

We understand that a review conducted at present might stress the fact that two servers are not necessary and are an ineffective solution to meeting our needs. It is possible that one highly sophisticated server might be able to accomplish the same task by allowing specified people access to specific files. However, we wish to bring to light the fact that the FRN in question was ***for funding year 2004*** and was for servers ***running on a Windows 2000 operating system***. Although the equipment we were installing was considered sophisticated at that point in time, it had limited capabilities in comparison to the more sophisticated servers available today. The decision to install two servers *was based on an assessment of our reasonable needs* and the needs of our students as stated in our technology plan. Given the particular needs of our school, which strives to educate special needs students and help them succeed in the world, establishing

two separate networks was the only way at the time to support student progress and development while concurrently maintaining their security and the integrity of our program. To further explain, we will elaborate on several security measures that are integral to the running of our school, yet would not have been possible in 2004 with the use of one server running on a Windows 2000 operating system.

As explained, many of our files contain highly sensitive data, especially since most of our students have medical issues. This information is only made available to senior administration, principals, related service providers and educational staff. Computers are also necessary for our students and classroom teachers, for as previously explained, our students learn best through following a curriculum that is visual and hands-on. However, it is imperative that the students and classroom teachers do not have any access to our sensitive data. The servers that we requested in 2004, did not have the sophistication of being able to provide different levels of file sharing. Anyone who had a password to the network, including students, had access to all utilities, databases and files. We could not restrict access based on passwords. Two separate domains were necessary to be able to allow particular persons access to particular files. In this way, we could provide a rich computer based educational experience for our students while maintaining their security.

In a similar vein, one server did not allow for different levels of password security settings by providing forced high level passwords, which are more difficult to crack, on sensitive data. Once more, we realized that two separate domains were necessary so that users in one domain (ie: our students) could use simple passwords and users in the other domain would be forced to employ more complex passwords. In this way, we would be providing higher security on sensitive information.

Additionally, since there would be a high volume of computer usage at our school, we felt it was vital to provide strict measures to ensure Internet safety. We make use of Internet filtering software to protect our students from inappropriate material. We have strict limitations on material that can be used by students or by classroom teachers. However, Internet access with less restriction is granted to senior administration in order to have greater access to educational material and sites. In 2004, a single server using Windows 2000 operating system could not assign different levels of Internet access. It was necessary to have two servers, each with a different Internet proxy. In this way, we were protecting our students while allowing the excellence of educational material available to our school to flourish.

With this clarification on the specific uses of the servers, it is clear how vital the two servers are to the education of our students by supporting their progress and development while concurrently maintaining their security.

Given the particular needs of our students and the benefits that computers provide in their education, teaching and learning through the use of computers has become the focal point of our curriculum. Unlike most mainstream schools, where students are given computer classes once or twice a week and computers are used mostly as an enhancement to their education, our students use computers several hours a day and use them as the primary means of learning. Any interruption of service would, in turn, cause a disruption of learning, as our students do not learn well in the traditional lecture style presentations given in most mainstream classrooms. It is therefore imperative that we make use of high-end servers capable of handling the high volume use at our school. We utilize over 100 computer programs and learning utilities at our school and were advised by many of the learning software companies that if we did not install a high-end server our computer network would crash several times throughout the day which would severely disrupt the learning taking place at our school. Based on professional recommendations, we were confident that the server we requested funding for would effectively satisfy our needs. The price of the server was not considered excessive at the time. With the declining cost of technology it would be possible today to find a similar server at a much cheaper cost, however, in

2004, a top-of-the-line server was not as robust as a server that is on the market today at a fraction of the cost.

In light of the above, indicating that the cost of the servers was not considered excessive based on 2004 pricing and technology and were necessary in meeting *our reasonable needs*, please reinstate the funding for FRN 1076698.

Should you have any further questions regarding this funding request, please feel free to contact me at (718) 252-8822 or via fax at (718) 252-7522. Correspondence can also be mailed to Step Special Torah Education Program at 3005 Avenue L, Brooklyn, NY 11210.

Thank you for taking an interest in this matter.

Abraham Mendlovitz
Principal